

REMARKS

The present communication is responsive to the Official Action mailed on February 25, 2005. A one-month extension of the time to respond, up to and including June 27, 2005, is filed concurrently herewith.

Claim 1 has been amended to recite "a memory operable to store control parameters in response to adjustments made by a user during reception of said selected program, said user adjusted control parameters including at least one adjusted parameter corresponding to program genre data, said at least one adjusted parameter being registered in a group of user adjusted program genre data; and a setting unit operable to set a control parameter for controlling an image data display or an audio data output of said selected program based on said at least one adjusted parameter and said related information if said program genre data is registered in said group of user adjusted program genre data."

Claim 8 has been amended to recite "storing control parameters that are adjusted by a user during reception of said selected program, said user adjusted control parameters including at least one adjusted parameter corresponding to program genre data, said at least one adjusted parameter being registered in a group of user adjusted program genre data."

Claim 11 has been cancelled.

Claim 15 has been amended to recite "storing, in a memory, control parameters that are adjusted by a user during reception of said selected program, said user adjusted control parameters including at least one adjusted parameter corresponding to program genre data, said at least one adjusted parameter being registered in a group of user adjusted program genre data."

Applicants respectfully submit that the foregoing amendments to claims 1, 8, and 15 do not constitute the addition of new matter. Support for these amendments may be found by

reference to, for example, paragraphs [0063] through [0071] of the specification.

Claim 16 is presented for the first time. It depends from claim 1 and recites "wherein said setting unit is operable to set a plurality of control parameters that correspond to a plurality of image displays."

Claim 17 is also presented for the first time. It depends from claim 15 and recites "setting a plurality of control parameters for controlling a plurality of image data displays or audio data outputs of said selected program based on a plurality of control parameters adjusted by the user."

Applicants respectfully submit that newly presented claims 16 and 17 do not constitute the addition of new matter. Support for these claims may be found by reference to, for example, paragraph [0074] of the specification.

In the Official Action, the Examiner rejected all the claims pending in the application, namely claims 1-3 and 5-15, on the same grounds set forth in the final rejection of June 16, 2004 (Paper No. 9). In particular, the Examiner continues to assert that claims 1, 8, and 15 are anticipated under 35 U.S.C. § 102(b) by U.S. Patent 6,188,439 to Kim ("the '439 reference").

Furthermore, the Examiner continues to assert that memory 18 of the '439 reference is identical to the memory limitation of claim 1. In particular, the Examiner asserts that "the control signal which may be changed by the televiewer is stored/recorded in memory 18. In the event, the applicant disagrees with the above response, the examiner would like the applicant to point out how the '439 reference stores/keeps the televiewer changed data." (Official Action at 2- 3.)

Applicants respectfully disagree with the Examiner's response that the '439 reference teaches that changes made by a user or televiewer are "stored/recorded in memory 18."

Although the '439 reference teaches that "memory 18 serves to store data to control video and audio signals," there is no teaching that adjustments made by a televiewer are actually stored in memory 18. Indeed, the Examiner assumes that adjustments made by a televiewer must be stored in memory 18. But it is equally probable, based on FIG. 2, that the control unit 16 outputs a control signal to units 10 and 12 based on data it receives from input unit 20 and data detecting unit 14, without storing the control signal in memory 18. For example, if the televiewer adjusts the brightness by +1, then the control unit 16 may change the values associated with brightness so that the televiewer sees the screen with a brightness setting one more than what was previously shown. In that way, there is no need to store a value of +1 in memory 18. Thus, applicants disagree with the Examiner's conclusion that somehow the '439 reference requires storage of data adjustments made by a televiewer.

In fact, applicants respectfully submit that if anything, the '439 reference is clear in stating that control signals or genre data are "previously stored" in memory 18. ('439, Abstract; col. 1, lns. 29-34; col. 4, lns. 14-18.) Thus, reasonably interpreted, the '439 reference teaches only that the televiewer can change the genre data from that which was established at the time of manufacture. (*Id.*, Abstract; col. 4, lns. 19-24.) There is no suggestion that the changes made by a televiewer are at all stored. The Examiner continues to rely on the Abstract and column 4, lines 15-23 to support his position. But both these sections of the '439 reference clearly state that the "control signal [is] previously stored in memory." These portions do not at all suggest that user adjustments are stored. Indeed, it is only with the benefit of hindsight that the Examiner reaches the conclusion that memory 18 stores televiewer changes. According to the '439 reference, the only genre data

that is stored in memory was "established . . . at the time of manufacturing the set." ('439, col. 4, ln. 20.) The Examiner makes a quantum leap in concluding that the '439 reference suggests, much less teaches, the memory limitation of claim 1. The '439 reference, however, does not suggest the limitation and, therefore does not identically disclose each and every limitation of claim 1 as is required.

Furthermore, since there is no suggestion in the reference to store user or televiewer adjusted genre data in a memory, the '439 reference does not render claim 1 obvious.

Although applicants disagree with the Examiner, in an effort to advance prosecution of this application, applicants have amended claim 1 to now recite "a memory operable to store control parameters in response to adjustments made by a user during reception of said selected program, said user adjusted control parameters including at least one adjusted parameter corresponding to program genre data, said at least one adjusted parameter being registered in a group of user adjusted program genre data; and a setting unit operable to set a control parameter for controlling an image data display or an audio data output of said selected program based on said at least one adjusted parameter and said related information if said program genre data is registered in said group of user adjusted program genre data."

With regard to claim 8, applicants respectfully submit that the '439 reference does not disclose or suggest "storing control parameters that are adjusted by a user during reception of said selected program, said user adjusted control parameters including at least one adjusted parameter corresponding to program genre data, said at least one adjusted parameter being registered in a group of user adjusted program genre data."

With regard to claim 15, applicants respectfully submit that the '439 reference does not disclose or suggest "storing,

in a memory, control parameters that are adjusted by a user during reception of said selected program, said user adjusted control parameters including at least one adjusted parameter corresponding to program genre data, said at least one adjusted parameter being registered in a group of user adjusted program genre data."

Applicants respectfully submit that '439 reference does not disclose or suggest the foregoing limitations of claims 1, 8, and 15. In particular, there is no suggestion of storing or registering "a group of user adjusted program genre data" in the '439 reference. Therefore, applicants respectfully submit that for at least the foregoing reasons, claims 1, 8, and 15 are not anticipated or rendered obvious by the '439 reference. In addition, inasmuch as the other references cited and relied on by the Examiner do not make up for the deficiencies in the '439 reference, those references cannot be combined in any manner to render claims 1, 8, and 15 obvious.

Further in that regard, since all the other claims currently pending in the application depend from either claim 1, 8 or 15, the other claims are also not rendered obvious by the references of record for at least the foregoing reasons.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this

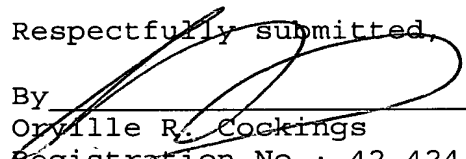
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requested amendment, the Examiner is authorized to charge
Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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